



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Kucera, et al.  
Serial No.: 09/627,312  
Filed: July 27, 2000

Docket No.: IR-2800(NBA)  
Group Art Unit: 1773  
Examiner: M. R. Jackson

For: "Two-Part Aqueous Metal Protection Treatment"

**DECLARATION UNDER 37 CFR 1.130**

Assistant Commissioner of Patents  
Washington, DC 20231

Dear Sir:

The purpose of the following declaration pursuant to 37 CFR 1.130 is to overcome rejections under 35 U.S.C. §§ 102(a) and 103(a) by disqualifying WO 99/37722 and WO 99/37713 as prior art against pending application serial number 09/627,312 by way of (1) showing of common ownership established on record and (2) declaring that the inventor named in 09/627,312 is the prior inventor of WO/9937722 and WO 99/37713 under 35 U.S.C. §104.

I, the undersigned, Gerald M. Estes, an authorized signatory on behalf of Lord Corporation declare the following:

(1) that Lord Corporation is the owner of pending App. No. 09/627,312 listed above, by assignment from the inventor(s) recorded on 10/23/2000 in the U.S. Patent Office on reel no. 011287 and frame number 0695, and have not assigned said patent to any other person;

(2) that Lord Corporation is the owner of the patent published as WO 99/37722 by assignment from the inventors of the priority patent application, as recorded in the U.S. Patent Office April 12, 1999 on reel No. 9888 and frame No. 0864 and

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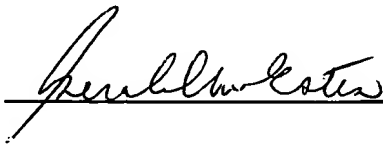
which issued as U.S. pat. No. 6,383,307, and have not assigned said patent to any other person;

(3) that Lord Corporation is the owner of the patent published as WO 99/37713 cited by the Examiner under 35 U.S.C. 102(a), by assignment from the inventors of the priority patent application, as recorded in the U.S. Patent Office April 12, 1999 on reel No. 9888 and frame No. 0864 and which has issued as Pat. No. 6,476,119, and have not assigned said patent to any other person; and

(4) that the inventor, Helmut W. Kucera, inventor of pending serial number 09/627,312 is the prior inventor under 35 U.S.C. §104 of the subject matter published in WO 99/37722 and WO 99/37713.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed: \_\_\_\_\_



Gerald M. Estes, Vice President

Authorized signatory for Lord Corporation

Dated: November 26, 2002



Date: December 19, 2002

Docket No.: IR-2800(NBA)

## THE COMMISSIONER OF PATENTS AND TRADEMARKS

Box Fee Amendment  
Washington, DC 20231

Sir:

Transmitted herewith for filing is a response in the patent application of

Applicant(s): Kucera, et al.

Serial No.: 09/627,312

Examiner: Monique R. Jackson

For: "Two Part Aqueous Metal Protection Treatment"

Atty. Docket:

IR-2800(NBA)

File Date:

July 27, 2000

Group Art Unit:

1773

Enclosed are:

- ☒ Amendment and Request for Reconsideration filed under 37 CFR 1.111
- ☒ Terminal Disclaimer
- ☒ Declaration under 37 CFR 1.130
- ☒ Postal Card for Acknowledgment of Receipt.
- ☒ Applicant's hereby request a **Three-Month Extension of Time** for filing the attached Amendment and Request for Reconsideration.
- ☒ The Commissioner is hereby authorized to charge Deposit Account No. 12-2143 for in the amount of **\$1,030.00 (\$920 for the Three Month Extension of Time and \$110 for the Terminal Disclaimer)**. A duplicate copy of this form is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 12-2143. A duplicate copy of this sheet is enclosed.

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Attorney for Applicant(s)  
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## CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on December 19, 2002 with the United States Postal Service in an envelope addressed to the Commissioner of Patents and Trademarks, Box Fee Amendment, Washington, DC 20231, with sufficient postage as first class mail (37 CFR 1.8(a)).

Alida M. Clark  
(Type or print name of person mailing paper)

Alida M. Clark 12/19/02  
(Signature of person mailing paper) (Date)